

CHAPTER XV.

SANITARY PROVISIONS.

Scavenging and Cleansing.

365. For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the Commissioner shall take measures for securing—

(a) the daily surface-cleansing of all streets in the city and the removal of the sweepings therefrom ;

(b) the removal of the contents of all receptacles and depots and of the accumulations at all places provided or appointed by him under section 367 or 368 for the temporary deposit of any of the matters specified in the said sections.

Commissioner to provide for cleansing of streets and removal of refuse.

366. All matters collected by municipal servants or contractors in pursuance of the last preceding section and of section 369 shall be the property of the corporation.

Refuse, etc., to be the property of the corporation.

367. (1) The Commissioner shall provide or appoint in proper and convenient situations public receptacles, depots and places for the temporary deposit or final disposal of—

Provision and appointment of receptacles, depots and places for refuse, etc.

(a) dust, ashes, refuse and rubbish ;

(b) carcasses of dead animals, and excrementitious and polluted matter :

(2) Provided that—

(c) the said matters shall not be finally disposed of in any place or manner in which the same have not heretofore been so disposed of without the sanction of the corporation or in any place or manner which Government think fit to disallow ;

(d) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance.

368. (1) It shall be incumbent on the occupiers of all premises to cause all dust, ashes, refuse and rubbish to be collected from their respective premises and to be deposited at such times as the Commissioner, by public notice, from time to time prescribes, in the public receptacle, depot or place provided or appointed under clause (a) of the last preceding section for the temporary deposit thereof.

Duty of occupiers to collect and deposit dust, etc.

(2) Provided that the Commissioner may, if he thinks fit, by written notice require the occupier or owner of any land to cause all dust, ashes, refuse and rubbish to be collected daily, or otherwise periodically, from the said land and from any building standing thereon and deposited temporarily upon any

place forming a part of the said land which the Commissioner appoints in this behalf, and it shall be incumbent on the said occupier to cause the said matters to be collected and deposited accordingly.

369. When the Commissioner has given public notice, under clause (a) of section 142, of his intention to provide, in a certain portion of the city, for the collection, removal and disposal, by municipal agency, of all excrementitious and polluted matter from privies, urinals and cesspools it shall be lawful for the Commissioner to take measures for the daily collection, removal and disposal of such matter from all premises situate in the said portion of the city.

Provision may be made by Commissioner for collection, etc., of excrementitious and polluted matter.

370. It shall be incumbent on the occupier of any premises situate in any portion of the city for which the Commissioner has not given a public notice under clause (a) of section 142 and in which there is not a water closet or privy connected with a municipal drain, to cause all excrementitious and polluted matter accumulating upon his premises to be collected and to be conveyed to the nearest receptacle or depot provided for this purpose under clause (b) of section 367, at such times, in such vehicle or vessel, by such route and with such precautions, as the Commissioner by public notice from time to time prescribes.

Collection and removal of excrementitious and polluted matter when to be provided for by occupiers.

371. In any portion of the city in which the Commissioner has given a public notice under clause (a) of section 142, and in any premises, wherever situate, in which there is a water-closet or privy connected with a municipal drain, it shall not be lawful, except with the written permission of the Commissioner, for any person, who is not employed by or on behalf of the Commissioner, to discharge any of the duties of halalkhors.

Halalkhors' duties in certain cases may not be discharged by private individuals without the Commissioner's permission.

Prohibition of—
failure to remove refuse, etc., when bound to do so;

372. No person—

(a) who is bound, under section 368 or section 370, to cause the removal of dust, ashes, refuse and rubbish, or of excrementitious or polluted matter, shall allow the same to accumulate on his premises for more than twenty-four hours, or neglect to cause the same to be removed to the depot, receptacle or place provided or appointed for the purpose;

(b) shall remove any dust, ashes, refuse or rubbish, or any excrementitious or polluted matter, otherwise than in conformity with the requirements of any public or written notice at the time being in force under section 368, or use for the removal of any excrementitious or polluted matter any vehicle or vessel not having a covering

removal of refuse, etc., contrary to orders or without proper precautions;

proper for preventing the escape of any portion of the contents thereof or of the stench therefrom ;

- (c) shall, whilst engaged in the removal of any dust, ashes, refuse or rubbish, or of any excrementitious or polluted matter, fail forthwith to sweep and cleanse the spot in any street upon which, during removal, any portion thereof may fall, and entirely to remove the sweepings ; clear away any refuse, etc., which drops during removal ;
- (d) shall place or set down in any street any vehicle or vessel for the removal of excrementitious or polluted matter, or suffer the same to remain in any street for any greater length of time than is reasonably necessary ; leaving filth carts, etc., unnecessarily in the streets ;
- (e) shall throw or place any dust, ashes, refuse or rubbish, or any excrementitious or polluted matter, on any street, or in any place not provided or appointed for this purpose under section 367 or 368 ; throwing or placing refuse, etc., in any place not assigned for the purpose ;
- (f) who is the owner or occupier of any building or land, shall allow any filthy matter to flow, soak or be thrown therefrom, or keep or suffer to be kept therein or thereupon, anything so as to be a nuisance to any person, or negligently suffer any privy receptacle or other receptacle or place for the deposit of filthy matter or rubbish on his premises to be in such a state as to be offensive or injurious to health. allowing filthy matter to flow or soak from any premises, and keeping anything thereupon so as to create a nuisance.

373. If it shall in any case be shown that dust, ashes, refuse or rubbish, or any excrementitious or polluted matter, has or have been thrown or placed on any street or place, in contravention of clause (e) of the last preceding section, from some building or land, it shall be presumed, until the contrary is proved, that the said offence has been committed by the occupier of the said building or land. Presumption as to offender under clause (e) of section 372.

Inspection and Sanitary Regulation of Premises.

374. The Commissioner may inspect any building or other premises for the purpose of ascertaining the sanitary condition thereof. Power to inspect premises for sanitary purposes.

375. If it shall appear to the Commissioner necessary for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building so inspected to cause the same or some portion thereof to be lime-washed or otherwise cleansed, either externally or internally, or both externally and internally. Cleansing and lime-washing of any building may be required.

Removal of
building
materials
from any
premises may
be required.

¹ [375A. If it shall appear to the Commissioner that any tiles, stones, rafters, building materials or debris of building materials are stored or collected in or upon any premises without the written permission of the Commissioner in such quantity or bulk or in such a way as to constitute a harbourage or breeding place for rats or other vermin or otherwise a source of danger or nuisance to the occupiers of the said premises or to persons residing in the neighbourhood thereof, the Commissioner may by written notice require the owner of such premises, or the owner of the materials or debris so stored or collected therein, to remove or dispose of the same or to take such order with the same as shall in the opinion of the Commissioner be necessary or expedient to abate the nuisance or prevent a recurrence thereof.]

Abandoned
or unoccupied
premises.

376. If any premises, by reason of their being abandoned or unoccupied, become a resort of disorderly persons or, in the opinion of the Commissioner, a nuisance, the Commissioner, after such inquiry as he deems necessary, may give written notice to the owner of such premises, if he be known and resident within the city, or to any person who is known or believed to claim to be the owner, if such person is resident within the city, and shall also affix a copy of the said notice on some conspicuous part of the said premises, requiring all persons having any right of property or interest therein to take such order with the said premises as shall in the opinion of the Commissioner be necessary to prevent the same from being resorted to as aforesaid or from continuing to be a nuisance.

Neglected
premises.

377. (1) If it shall appear to the Commissioner that any premises are overgrown with rank and noisome vegetation or are otherwise in an unwholesome or filthy condition or, by reason of their not being properly enclosed, are resorted to by the public for purposes of nature, or are otherwise a nuisance to the neighbouring inhabitants, the Commissioner may, by written notice, require the owner or occupier of such premises to cleanse, clear or enclose the same, or, with the approval of the standing committee, may require him to take such other order with the same as the Commissioner thinks necessary.

Neglected
private
streets.

² [(1A.) If it shall appear to the Commissioner that any private street is overgrown with rank and noisome vegetation or is otherwise in an unwholesome or filthy condition, the Commissioner may by written notice require the owners of the several premises fronting or adjoining the said street or abutting thereon to cleanse or clear the same, or with the approval of the standing

¹ This section was inserted by s. 8 of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

² This sub-section was added by s. 9 (a) *ibid.*

committee require them to take such other order with the same as the Commissioner may think necessary : provided that nothing herein contained shall affect the provisions of section 365 :]

(2) Provided that, in so far as the unwholesome or filthy condition of such premises, [or such street] or such nuisance as above-mentioned is caused by the discharge from or by any defect in the municipal drains or appliances connected therewith, it shall be incumbent on the Commissioner to cleanse such premises.
¹ [or such street].

² [378. (1) If, for any reason, it shall appear to the Commissioner that any building or any room in a building intended for or used as a dwelling is unfit for human habitation, he shall give to the owner or occupier of such building notice in writing stating such reason and signifying his intention to prohibit the further use of the building or room, as the case may be, as a dwelling and shall by such notice call upon the owner or occupier aforesaid to state in writing any objection thereto within thirty days after the receipt of such notice, and if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within such period appears to the Commissioner invalid or insufficient, he may, with the previous approval of the standing committee, by an order in writing prohibit the further use of such building or room as a dwelling :

Buildings or
rooms in
buildings
unfit for
human
habitation.

Provided that, before such approval is given, the owner or occupier aforesaid shall have the right of appearing before the standing committee in person or by agent and of showing cause why such approval should not be given.

(2) When any such prohibition as aforesaid has been made, the Commissioner shall cause notice of such prohibition to be affixed to, and the letters ' U. H. II.' to be painted on, the door or some conspicuous part of such building or room as the case may be, and no owner or occupier of such building or room shall use or suffer the same to be used for human habitation until the Commissioner certifies in writing that the building or room, as the case may be, has been rendered fit for human habitation.]

³ [379. (1) The owner of a building shall, within a period of seven days after receipt of a written notice from the Commissioner, sign and give a

Power of
Commis-
sioner
to call for
statement of
accom-
modation.

¹ These words were inserted by s. 9 (b) of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

² This section was substituted by s. 6 of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 6 of 1916), Vol. V of this Code.

³ This section was substituted by s. 55 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

certificate of the following particulars with respect to such building or any part thereof :

- (a) the total number of rooms in the building,
- (b) the length, breadth and height of each room, and
- (c) the name of the person to whom he has let the building or each part of the building occupied as a separate tenement.

(2) The occupier of a building or of any part of a building occupied as a separate tenement shall, on like notice, and within the like period, sign and give a certificate of the following particulars with respect to such building or part of such building as aforesaid which is in his occupation :—

- (a) the total number of persons dwelling in the building or any part of it,
- (b) the manner of use of each room by day and by night, and
- (c) the number, sex and age of the occupants of each room used for sleeping.]

Overcrowded
dwellings.

¹ [379A. (1) Where it appears to the Commissioner, whether from any certificate furnished under section 379 or otherwise, that any building or any room or rooms therein used for human habitation is overcrowded, he may apply to a Presidency Magistrate to prevent such overcrowding ; and the said Magistrate, after such inquiry as he thinks fit to make, may prescribe the maximum number of persons to be accommodated in each room and may, by written order, require the owner of the building, within a reasonable time not exceeding ten days to be prescribed in the said order, to abate the overcrowding thereof, by reducing the number of lodgers, tenants, or other inmates of the said building or room or rooms, in accordance with the maximum so prescribed and to the satisfaction of the Commissioner, or may pass such other order as he may deem just and proper.

(2) Where the owner of the said building has sublet the same, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the said building.

(3) Every tenant, lodger or other inmate of the said building shall vacate on being required by the owner so to do in pursuance of any order under sub-section (1).

(4) A room used exclusively as a dwelling shall be deemed to be overcrowded within the meaning of this section when the number of adult inmates

¹ This section was inserted by s. 55 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

is such that the amount of floor space available for each adult inmate is less than twenty-five superficial feet and for each person under the age of ten years less than twelve and one-half superficial feet, or when the air space for each adult inmate is less than two hundred and fifty cubic feet, two children under ten years of age counting as one adult.

(5) A room not exclusively used as a dwelling shall be deemed to be overcrowded within the meaning of this section when the number of adult inmates is such that the amount of floor space available for each adult inmate is less than thirty superficial feet, and for each person under the age of ten years less than fifteen superficial feet, or when the air space for each adult inmate is less than three hundred cubic feet; two children under ten years of age counting as one adult.]

380. If the Commissioner is of opinion that any hut or shed, used either as a dwelling or as a stable or for any other purpose, is likely, by reason of its being built without a plinth or upon a plinth of insufficient height or without proper means of drainage, or on account of the impracticability of scavenging, or owing to the manner in which it and other huts or sheds are crowded together, to cause risk of disease to the inmates thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety ;

he may, by written notice, which shall be affixed to some conspicuous part of such hut or shed, require the owner or occupier thereof, or the owner of the land on which such hut or shed stands, to remove or alter such hut or shed or to take such order for the improvement thereof as the Commissioner shall deem necessary.

¹[**381.** (1) If in the opinion of the Commissioner—

- (a) any pool, ditch, tank, well, pond, quarry-hole, drain, water-course, or any collection of water, or
- (b) any cistern or other receptacle for water whether within or outside a building, or
- (c) any land on which water accumulates and which is situate within a distance of one hundred yards from any building used as a dwelling-house,

Filling in of pools, etc., which are a nuisance.

is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the Commissioner may, by notice in writing, require the owner thereof to fill up, cover over or drain off the same in such manner and with

¹ This section was substituted by s. 4 of the City of Bombay Municipal (Amendment) Act, 1913 (Bom. Act 6 of 1913), Vol. V of this Code.

such materials as the Commissioner shall prescribe, or to take such order with the same for removing or abating the nuisance as the Commissioner shall prescribe.

(2) If an owner, on whom a requisition is made under sub-section (1) to fill up, cover over or drain off a well, delivers to the Commissioner, within the time prescribed for compliance therewith, written objections to such requisition, the Commissioner shall report such objections to the standing committee and shall make further inquiry into the case, and he shall not institute any prosecution under section 517 for failure to comply with such requisition except with the approval of the standing committee, but the Commissioner may nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with section 489 and, pending the standing committee's disposal of the question whether the said well shall be permanently filled up, covered over or otherwise dealt with, may cause such well to be securely covered over, so as to prevent the ingress of mosquitoes, and in every such case the Commissioner shall determine, with the approval of the standing committee, whether the expenses of any work already done as afore-said shall be paid by such owner, or by the Commissioner out of the Municipal Funds or shall be shared, and, if so, in what proportions.]

Permission
for new
well, etc.

¹[381A. (1) No new well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission in writing of the Commissioner.

(2) If any such work is begun or completed without such permission, the Commissioner may either—

- (a) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Commissioner shall prescribe, or
- (b) grant written permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (1).]

Dangerous
quarrying
may be
stopped.

382. If, in the opinion of the Commissioner, the working of any quarry, or the removal of stone, earth or other material from any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the Commissioner may, with the approval of the standing committee, by written notice, require the owner of the said quarry or place to discontinue working the same or to discontinue

¹ This section was inserted by s. 5 of the City of Bombay Municipal (Amendment) Act, 1913 (Bom. Act 6 of 1913), Vol. V of this Code.

removing stone, earth or other material from such place, or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

383. (1) If, in the opinion of the Commissioner,—

Removal and
trimming of
trees,
shrubs and
hedges.

- (a) any hedge is at any time insufficiently cut or trimmed, or overgrown with prickly-pear or other rank vegetation ; or
- (b) any tree or shrub has fallen or is likely to fall, to the danger of public safety, or overhangs or obstructs any street to the inconvenience or danger of passengers therein ;

the Commissioner may, by written notice, require the owner or occupier of the land on which such hedge, tree or shrub is or has been growing—

- (c) to cut down such hedge to a height not exceeding four feet and to a width not exceeding three feet, and to remove any such prickly-pear or other rank vegetation therefrom ; or
- (d) to remove, cut, lop or trim such tree or shrub, as the case may be.

(2) In any case falling under clause (b), the Commissioner may, if for the public safety it shall appear to him necessary so to do, cause any tree or shrub to be removed, cut, lopped or trimmed, without previously giving the said owner or occupier notice as aforesaid, and the expenses thereof shall, nevertheless, be paid by the owner or occupier.

Keeping and Destruction of Animals and Disposal of Carcasses.

384. (1) No person shall—

Prohibitions
as to keeping
animals.

- (a) without the written permission of the Commissioner, or otherwise than in conformity with the terms of such permission, keep any swine in any part of the city ;
- (b) keep any animal on his premises so as to be a nuisance or dangerous to any person ;
- (c) feed any animal, or suffer or permit any animal, to be fed or to feed, with or upon excrementitious matter, dung, stable-refuse or other filthy matter.

(2) Any swine found straying may be forthwith destroyed and the carcass thereof disposed of as the Commissioner shall direct. No claim shall lie for compensation for any swine so destroyed.

* Stabling animals or storing grain in dwelling house may be prohibited.

¹[384A. Where a building or any portion thereof is used or intended to be used for human habitation and any portion of such building is used for any of the following purposes, namely,

(a) for keeping any horse, cow, buffalo, bullock, goat or donkey, or

(b) as a godown or place for the storage, in connection with wholesale trade, of grain, seed or groceries,

the Commissioner may, if it shall appear to him necessary for sanitary reasons to do so, by written notice require the owner or occupier of such building to discontinue the use of such building for any such purpose ; provided that the Commissioner may permit such use subject to such conditions as he may think fit to prescribe.]

Removal of carcasses of dead animals.

²[385. (1) It shall be the duty of the Commissioner to provide for the removal of the carcasses of all animals dying within the city.

(2) The occupier of any premises in or upon which any animal shall die or in or upon which the carcass of any animal shall be found, and the person having the charge of any animal which dies in the street or in any open place, shall within three hours after the death of such animal or, if the death occurs at night, within three hours after sunrise, report the death of such animal at the municipal health department office of the division of the city in which the death occurred or in which the carcass is found.

(3) For every carcass so removed by municipal agency, a fee for the removal, of such amount as shall be fixed by the Commissioner, shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge, the said animal died.]

Regulation of Public Bathing, Washing, etc.

Places for public bathing, etc., to be fixed by the Commissioner.

386 The Commissioner may from time to time set apart portions of the seashore or other suitable places vesting in the corporation for use by the public for bathing, for the washing of animals or for drying clothes, and may from time to time, by public notice, prohibit the use by the public of any portion of the seashore or place not vesting in the corporation for any of the said purposes.

¹ This section was inserted by s. 10 of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

² This section was substituted by s. 4 of the City of Bombay Municipal (Amendment) Act, 1920 (Bom. Act 5 of 1920), Vol. V of this Code.

other matter,
etc.

- (b) whilst suffering from any contagious or loathsome disease, bathe in or near any lake, tank, reservoir, fountain, cistern, duct, stand-pipe, stream or well or on any part of the seashore.

Regulation of Factories, Trades, etc.

Factory, etc.,
not to be
newly
established
without
permission
of the Com-
missioner.

390. (1) No person shall newly establish in any premises any factory, workshop or workplace in which it is intended that steam, water or other mechanical power shall be employed, without the previous written permission of the Commissioner, ¹ [nor shall any person work, or allow to be worked, any such factory, workshop or workplace without such permission].

(2) The Commissioner may refuse to give such permission if he shall be of opinion that the establishment of such factory, workshop or workplace in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood.

² [(3) If any written permission for the establishment of a factory, workshop or workplace granted under sub-section (1) be revoked by the Commissioner in the exercise of his powers under sub-section (3) of section 479, no person shall continue or resume the working or use of such factory, workshop or workplace until such written permission is renewed or a fresh written permission is granted by the Commissioner]

Furnaces
used in
trade or
manufacture
to consume
their own
smoke.

391. (1) No person shall—

- (a) use or permit to be used any furnace employed for the purpose of any trade or manufacture, which does not, so far as practicable, consume its own smoke; or
(b) so negligently use or permit to be used any such furnace as that it shall not, as far as practicable, consume its own smoke.

(2) Nothing in this section shall be deemed to apply to a locomotive engine used for the purpose of traffic upon any railway or for the repair of streets.

Sanitary
regulation
of factories,
etc.

392. (1) Whenever it shall appear to the Commissioner that any factory, ³* workshop or workplace, or any building or place in which steam, water or other mechanical power is employed, is not kept in a cleanly state or is not ventilated in such a manner as to render harmless, as far as practicable, any gas, vapour, dust or other impurity generated in the course of the work carried on therein, which is a nuisance,

¹ These words were inserted by s. 11 (a) of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

² Sub-section (3) was added by s. 11 (b) *ibid*.

³ The word "bakehouse" was repealed by s. 14 of the City of Bombay Municipal (Amendment) Act, 1911 (2 of 1911), Vol. V of this Code.

387. (1) The Commissioner may, by public notice, regulate the use of public bathing places, etc.

(a) of any portion of the seashore or other place vesting in the corporation set apart by him for any purpose under the last preceding section ;

(b) of any portion of the seashore or other place not vesting in the corporation used, with his acquiescence for any purpose mentioned in the last preceding section ;

(c) of any work and of the water in any work assigned and set apart under section 270 for any particular purpose.

(2) In the case of any portion of the seashore or of any place or work set apart, assigned or used as aforesaid for bathing, the Commissioner may, in such notice, prescribe the times and places of bathing for persons of each sex.

388. Except as permitted by any order or regulation made under sections 270, 386 or 387, no person shall—

(a) bathe in or near any lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well or on any part of the seashore or other place vesting in the corporation ;

(b) wash or cause to be washed in or near any such place or work, any animal, clothes or other article ;

(c) throw, put or cause to enter into the water in any such place or work, any animal or other thing ;

(d) cause or suffer to drain into or upon any such place or work, or to be brought thereinto or thereupon, anything, or do anything, whereby the water shall be in any degree fouled or corrupted ;

(e) dry clothes in or upon any such place.

And no person shall—

(f) in contravention of any prohibition made by the Commissioner under section 386, use any portion of the seashore or any place not vesting in the corporation for any purpose mentioned in the said section ;

(g) contravene any regulation made by the Commissioner under section 387 for the use of any such portion of the seashore or place for any such purpose.

389. No person shall—

(a) steep in any tank, reservoir, stream, well or ditch any animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health ;

Prohibition of corruption of water by steeping therein animal or

or is so overcrowded while work is carried on as to be dangerous or injurious to the health of the persons employed therein,

or that any engine, mill-gearing, hoist or other machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb;

the Commissioner may, by written notice, require the owner of such factory,¹* workshop, workplace or other building or place to take such order for putting and maintaining the same in a cleanly state, or for ventilating the same, or for preventing the same from being overcrowded, or for preventing danger to life or limb from any engine, mill-gearing, hoist or other machinery therein, as he shall think fit.

(2) Nothing in this section shall be deemed to affect any provision of the² Bombay Boiler Inspection Act, 1887, and nothing in this section which relates to the fixing or fencing of any engine, mill-gearing, hoist or other machinery shall apply in any factory to which the provisions of the³ Indian Factories Act, 1881, are applicable.

XV of 1881.

393. (1) No person shall, without the written permission of the Commissioner, use or employ in any factory or any other place, any steam-whistle or steam-trumpet for the purpose of summoning or dismissing workmen or persons employed.

Prohibition of use of steam-whistle or steam-trumpet without permission of the Commissioner.

(2) The Commissioner may at any time revoke any permission which he has given for the use of any such instrument as aforesaid, on giving one month's notice to the person using the same.

(3) Provided that nothing in sub-section (2) shall be deemed to require one month's notice to be given by the Commissioner, if he suspends or revokes any such permission for any reason specified in sub-section (3) of section 479.

394. (1) Except under⁴ [and in conformity with the terms and conditions of] a license granted by the Commissioner no person shall—

Certain things not to be kept, and certain trades and operations not to be carried on, without a license.

(a) keep, in or upon any premises, for any purpose whatever,

(i) any article specified in Part I of Schedule M, or

¹ The word "bakehouse" was repealed by s. 14 of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

² Bom. Act. 3 of 1887 was repealed by Bom. Act 2 of 1891 which was in turn repealed by Bom. Act 5 of 1917.

³ See now the Indian Factories Act, 1911 (12 of 1911), Genl. Acts, Vol. VII.

⁴ This section was substituted by s. 15 of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

⁵ These words were inserted by s. 6 of the City of Bombay Municipal (Amendment) Act, 1913 (Bom. Act 6 of 1913), Vol. V of this Code.

- (ii) any article specified in Part II of Schedule M, in excess of the quantity therein prescribed as the maximum quantity of such article which may at any one time be kept in or upon the same premises without a license ;
- (b) keep, in or upon any premises, for sale or for other than domestic use, any article specified in Part III of Schedule M ;
- ¹ [(bb) keep, in or upon any building intended for or used as a dwelling or within fifteen feet of such building, cotton, in pressed bales or boras or loose, in quantity exceeding four hundred-weights ;]
- (c) keep or allow to be kept, in or upon any premises, horses, cattle or other four-footed animals
 - (i) for sale,
 - (ii) for letting out on hire,
 - (iii) for any purpose for which any charge is made or any remuneration is received, or
 - (iv) for sale of any produce thereof ;
- (d) carry on, or allow to be carried on, in or upon any premises
 - (i) any of the trades or operations connected with trade specified in Part IV of Schedule M ;
 - (ii) any trade or operation which in the opinion of the Commissioner is dangerous to life, health or property, or likely to create a nuisance either from its nature, or by reason of the manner in which, or the conditions under which, the same is, or is proposed to be carried on.

(2) A person shall be deemed to have known that a trade or operation is, in the opinion of the Commissioner, dangerous or likely to create a nuisance within the meaning of paragraph (ii) of clause (d) of sub-section (I), after written notice to that effect, signed by the Commissioner, has been served on such person or affixed to the premises to which it relates.

(3) It shall be in the discretion of the Commissioner—

- (a) to grant any license referred to in sub-section (I) subject to such restrictions or conditions (if any) as he shall think fit to prescribe, or
- (b) to withhold any such license.

¹ This clause was inserted by s. 7 of the City of Bombay Municipal (Further Amendment) Act, 1916 (Bom. Act 6 of 1916), Vol. V of this Code.

(4) Every person to whom a license is granted by the Commissioner under sub-section (3) shall keep such license in or upon the premises to which it relates.

(5) Nothing in this section shall be deemed to apply to mills for spinning or weaving cotton, wool, silk or jute or to any other large mill or factory which the Commissioner may from time to time with the approval of the standing committee specially exempt from the operation thereof.]

395. (1) No person engaged in any trade or manufacture specified in Schedule M shall—

Prohibition
of corruption
of water by
chemicals.
etc.

(a) wilfully cause or suffer to be brought or to flow into any lake, tank, reservoir, cistern, well, duct or other place for water belonging to the corporation, or into any drain or pipe communicating therewith, any washing or other substance produced in the course of any such trade or manufacture as aforesaid ;

(b) wilfully do any act connected with any such trade or manufacture, as aforesaid, whereby the water in any such lake, tank, reservoir, cistern, well, duct or other place for water is fouled or corrupted.

(2) The Commissioner may, after giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits connected with any such manufacture or trade as aforesaid, lay open and examine the said works, pipes or conduits ;

and if, upon such examination, it appears that sub-section (1) has been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses of such laying open and examination and of any measure which the Commissioner shall, in his discretion, require to be adopted for the discontinuance of the cause of such contravention, shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof or through whose neglect or fault the said sub-section has been contravened ;

but if it appear that there has been no contravention of the said sub-section, the said expenses and compensation for any damage occasioned by the said laying open and examination shall be paid by the Commissioner.

396. (1) The Commissioner may at any time, by day or by night, without notice, enter into or upon any premises used for any of the purposes mentioned in section 394, and upon any premises in which a furnace is employed for the purpose of any trade or manufacture, and into any bakehouse, in order to satisfy himself as to whether any provision of this Act or any by-law made

Inspection of
premises
used for
manu-
factures,
etc.

under this Act at the time in force or any condition of any license granted under this Act is being contravened, and as to whether any nuisance is created upon such premises.

(2) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry, or by the use of any force necessary for effecting such entry : provided that force shall not be used for effecting an entry, unless when there is reason to believe that an offence is being committed against some provision of this Act or some by-law made under this Act.

Regulation of washing of clothes by washermen.

397. (1) The Commissioner may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as he shall appoint for this purpose ; and, when any such prohibition has been made, no person who is, by calling, a washerman shall wash clothes at any place not appointed for this purpose by the Commissioner, except for such person himself or for the owner or occupier of such place.

Washing-places to be provided by the Commissioner for washermen.

(2) The Commissioner shall provide suitable places for the exercise by washermen of their calling, and may require payment of such fees for the use of any such place as shall from time to time be determined by the Commissioner, with the approval of the standing committee.

Maintenance and Regulation of Markets and Slaughter-houses.

What to be deemed municipal markets and slaughter-houses.

398. All markets and slaughter-houses which belong to or are maintained by the corporation shall be called " municipal markets " or " municipal slaughter-houses." All other markets and slaughter-houses shall be deemed to be private.

Provision of new municipal markets and slaughter-houses.

399. (1) The Commissioner, when authorized by the corporation in this behalf, may construct, purchase or take on lease any building or land for the purpose of establishing a new municipal market or a new municipal slaughter-house or of extending or improving any existing municipal market or slaughter-house, and may from time to time build and maintain such municipal markets and slaughter-houses and such stalls, shops, sheds, pens and other buildings or conveniences for the use of the persons carrying on trade or business in, or frequenting, such municipal markets or slaughter-houses, and provide and maintain in such municipal markets such buildings, places, machines, weights, scales and measures for weighing and measuring goods sold therein, as he shall think fit.

(2) Municipal slaughter-houses may be situate within or, with the sanction of Government, without the city.

400. The Commissioner may, with the sanction of the corporation and of Municipal Government, at any time, close any municipal market or slaughter-house; and the premises occupied for any market or slaughter-house so closed may be disposed of as the property of the corporation. markets and slaughter-houses may be closed.

401. (1) No person shall, without a license from the Commissioner, sell or expose for sale any animal or article in any municipal market. Prohibition of sale in a municipal market without license of Commissioner.

(2) Any person contravening this section may be summarily removed by the Commissioner or by any municipal officer or servant.

402. (1) The corporation shall from time to time determine whether the establishment of new private markets shall be permitted in the city or in any specified portion of the city. Opening of new private markets.

(2) No person shall establish a new private market for the sale of, or for the purpose of exposing for sale, animals intended for human food, or any other article of human food, except with the sanction of the Commissioner, who shall be guided in giving such sanction by the decisions of the corporation at the time in force under sub-section (1).

(3) When the establishment of a new private market has been so sanctioned, the Commissioner shall cause a notice of such sanction to be affixed in the English, Marathi, Gujarati and Urdu languages on some conspicuous spot on or near the building or place where such market is to be held.

403. (1) No person shall without, or otherwise than in conformity with the terms of, a license granted by the Commissioner in this behalf— Private markets not to be kept open without a license.

(a) keep open a private market;

(b) use any place in the city as a slaughter-house or for the slaughtering of any animal intended for human food;

(c) use any place without the city, whether as a slaughter-house or otherwise, for the slaughtering of any animal intended for human food to be consumed in the city:

(2) Provided that—

(d) the Commissioner shall not refuse, cancel or suspend any license for keeping open a private market for any cause other than the failure of the owner thereof to comply with some provision of this Act, or with some regulation framed under section 406 or with some by-law made under this Act, at the time in force; and shall not cancel or suspend any such license without the approval of the standing committee;

- (e) nothing in this section shall be deemed to prevent the Commissioner from granting written permission for the slaughter of an animal in any place that he thinks fit, on the occasion of any festival or ceremony or under special circumstances.

(3) When the Commissioner has refused, cancelled or suspended any license to keep open a private market, he shall cause a notice of his having so done to be affixed in the English, Marathi, Gujarati and Urdu languages on some conspicuous spot on or near the building or place where such market has been held.

Prohibition
of sale in
unauthorised
private
markets.

404. No person who knows that any private market has been established without the sanction of the Commissioner, or is kept open after a license for keeping the same open has been refused, cancelled or suspended by the Commissioner, shall sell or expose for sale therein any animal or article of food.

Provision
for requiring
private
market-
buildings
and slaugh-
ter-houses
to be
properly
paved and
drained.

405. The Commissioner may, by written notice, require the owner, farmer or occupier of any private market or slaughter-house to cause—

- (a) the whole or any portion of the floor of the market-building, market-place or slaughter-house to be paved with dressed stone or other suitable material ;
- (b) such drains to be made in or from the market-building, market-place or slaughter-house of such material, size and description at such level and with such outfall, as to the Commissioner may appear necessary.

Regulations
to be framed
for markets
and
slaughter-
houses.

406. The Commissioner may, with the approval of the standing committee, from time to time make regulations, not inconsistent with any provision of this Act or of any by-law made under this Act at the time in force—

- (a) for preventing nuisances or obstruction in any market-building market-place or slaughter-house or in the approaches thereto ;
- (b) fixing the days and the hours on and during which any market or slaughter-house may be held or kept open for use ;
- (c) for keeping every market-building, market-place and slaughter-house in a cleanly and proper state, and for removing filth and refuse therefrom ;
- (d) requiring that any market-building, market-place or slaughter-house be properly ventilated and be provided with a sufficient supply of water ;
- (e) requiring that in market-buildings and market-places, passages be provided between the stalls of sufficient width for the convenient use of the public.

407. The Commissioner may—

(a) charge for the occupation or use of any stall, shop, standing, shed or pen in a municipal market or slaughter-house, and for the right to expose goods for sale in a municipal market, and for weighing and measuring goods sold in any such market and for the right to slaughter animals in any municipal slaughter-house, such stallages, rents and fees as shall from time to time be fixed by him, with the approval of the standing committee, in this behalf ; or

Levy of stallages, rents and fees in municipal markets and slaughter-houses.

(b) with the approval of the standing committee, farm the stallages, rents and fees leviable as aforesaid or any portion thereof, for any period not exceeding one year at a time ; or

(c) put up to public auction, or, with the approval of the standing committee, dispose of, by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen in a municipal market or slaughter-house for such term and on such conditions as he shall think fit.

408. (1) A printed copy of the regulations and of the table of stallages, rents and fees, if any, in force in any market or slaughter-house under the two last preceding sections, in the English, Marathi, Gujarati and Urdu languages, shall be affixed in some conspicuous spot in the market-building, market-place or slaughter-house.

Regulations and table of stallage-rents to be posted up in markets and slaughter-houses.

(2) No person shall, without authority, destroy, pull down, injure or deface any copy of any regulation or table so affixed.

409. The Commissioner may expel from any municipal market or slaughter-house any person, who or whose servant has been convicted of contravening any by-law made under this Act, or any regulation made under section 406, at the time in force in such market or slaughter-house and may prevent such person, by himself or his servants, further carrying on any trade or business in such market or slaughter-house or occupying any stall shop, standing, shed, pen or other place therein, and may determine any lease or tenure which such person may have in any such stall, shop, standing, shed, pen or place.

Power to expel persons contravening by-laws or regulations.

Sale of Articles of Food outside of Markets.

410. (1) Except as hereinafter provided, no person shall, without a license from the Commissioner, sell or expose for sale any four-footed animal or any meat or fish intended for human food, in any place other than a municipal or private market :

Prohibition of sale of animals, etc., except in a market.

(2) Provided that nothing in sub-section (1) shall apply to fresh fish sold from, or exposed for sale in, a vessel in which it has been brought direct to the seashore after being caught at sea.

Licensing of Butchers, etc.

Butchers and persons who sell the flesh of animals to be licensed.

411. No person shall without, or otherwise than in conformity with the terms of, a license granted by the Commissioner in this behalf—

- (a) carry on within the city, or at any municipal slaughter-house, the trade of a butcher;
- (b) use any place in the city for the sale of the flesh of any animal intended for human food, or any place without the city for the sale of such flesh for consumption in the city.

Prohibition of import of cattle, etc., into the city without permission.

¹ [412. (1) No person shall without the written permission of the Commissioner bring into the city any cattle, sheep, goats or swine intended for human food, or the flesh of any such animal which has been slaughtered at any slaughter-house or place not maintained or licensed under this Act.

(1-4) Any Police Officer may arrest without warrant any person bringing into the city any animal or flesh in contravention of sub-section (1).

(2) Any animal brought into the city in contravention of this section may be seized by the Commissioner or by any Municipal Officer or servant and any flesh brought into the city in contravention of this section may be seized by the Commissioner or by any Municipal Officer or servant or by any Police Officer or in or upon Railway premises by any Railway servant and any animal or flesh so seized may be sold or otherwise disposed of as the Commissioner shall direct. The proceeds, if any, shall belong to the corporation.

(3) Nothing in this section shall be deemed to apply to cured or preserved meat.]

License required for dealing in milk, etc.

² [412A. No person shall without or otherwise than in conformity with the terms of a license granted by the Commissioner in this behalf—

- (a) carry on within the city the trade or business of a dealer in or importer or seller or hawker of milk, ³ [butter or other milk products] ;
- (b) use any place in the city for the sale of milk, ³ [butter or other milk products].]

¹ This section was substituted by s. 16 of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

² This section was inserted by s. 7 of the City of Bombay Municipal (Amendment) Act, 1913 (Bom. Act 6 of 1913), Vol. V of this Code.

³ These words were inserted by s. 8. of the City of Bombay Municipal (Further Amendment) Act, 1916 (Bom. Act 6 of 1916), Vol. V of this Code.

Inspection of Places of Sale, etc.

413. (1) If the Commissioner shall have reason to believe that any animal intended for human food is being slaughtered, or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorised under the provisions of this Act, the Commissioner may at any time, by day or by night, without notice, enter such place for the purpose of satisfying himself as to whether any provision of this Act or of any by-law made under this Act at the time in force is being contravened thereat.

may enter any place where slaughter of animals or sale of flesh contrary to the provision of this Act is suspected.

(2) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry.

414. It shall be the duty of the Commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter and any other article exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale and intended for human food or for medicine, the proof that the same was not exposed or hawked about or deposited or brought for any such purpose or was not intended for human food or for medicine resting with the party charged.

to provide for inspection of articles exposed for sale for human food.

415. (1) The Commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensil or vessel used for preparing, manufacturing or containing the same.

Unwholesome articles, etc., to be seized.

(2) If any such animal or article appears to the Commissioner to be diseased or unsound or unwholesome or unfit for human food or for medicine, as the case may be, or is not what it is represented to be, or if any such utensil or vessel is of such kind or in such state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human food or for medicine, as the case may be,

he may seize and carry away such animal, article, utensil or vessel, in order that the same may be dealt with as hereinafter provided ¹ [and he may arrest and take to the nearest Police Station any person in charge of any such animal or article].

² [Explanation.—Any article exposed, hawked about, deposited in or brought to any place as aforesaid for sale as ghee, which contains any

¹ These words were inserted by s. 8 of the City of Bombay Municipal (Amendment) Act, 1913 (Bom. Act 6 of 1913), Vol. V of this Code.

² This explanation was added by s. 5 (1) (a) of the Bombay Prevention of Adulteration Act, 1899 (Bom. Act 2 of 1899), Vol. IV of this Code.

substance not exclusively derived from milk, shall be deemed for the purposes of this section and of sections 417 and 417A to be an article which is not what it is represented to be.]

Disposal of perishable article seized under section 415.

416. If any meat, fish, vegetable or other article of a perishable nature be seized under the last preceding section and the same is, in the opinion of the Commissioner, diseased, unsound, unwholesome or unfit for human food or for medicine, as the case may be,

the Commissioner shall cause the same to be forthwith destroyed in such manner as to prevent its being again exposed for sale or used for human food or for medicine, and the expenses thereof shall be paid by the person in whose possession such article was at the time of its seizure.

Disposal of animals and articles of a non-perishable nature seized under section 415.

417. (1) Any animal and any article not of a perishable nature and any utensil or vessel seized under section 415 shall be forthwith taken before a Presidency Magistrate.

(2) If it shall appear to such Magistrate that any such animal or article is diseased, unsound or unwholesome or unfit for human food, or for medicine, as the case may be, or is not what it was represented to be or that such utensil or vessel is of such kind or in such state as aforesaid,

¹ [he may, and if it is diseased, unsound, unwholesome, or unfit for human food and unfit for medicine he shall cause] the same to be destroyed, at the charge of the person in whose possession it was at the time of its seizure, in such manner as to prevent the same being again exposed or hawked about for sale or used for human food or for medicine, or for the preparation or manufacture of, or for containing, any such article as aforesaid.

Penalty for representing any article to be what it is not.

² **[417A. (1)]** In every case in which any article represented to be—

(a) ghee, or

(b) food of a kind to which by virtue of a notification under the Bombay Prevention of Adulteration Act, 1899, the provisions of this section are for the time being applicable,

appears to the Magistrate dealing therewith under section 417, not to be what it is represented to be, the owner thereof or person in whose possession the same was found, not being merely carrier or bailor thereof, shall, if in such case the provisions of section 273 of the ³ Indian Penal Code Act do not apply, XLV of 1860, be punished with fine which may extend to one hundred rupees.

¹ These words were substituted for the words "he shall cause" by s. 6 (1) (a) of the Bombay Prevention of Adulteration Act, 1899 (Bom. Act 2 of 1899), Vol. IV of this Code.

² This section was inserted by s. 5 (1) (b) and (3) (a) of *ibid.*

³ General Acts, Vol. I.

(2) Provided that when any article of food referred to in sub-section (1) appears to the Magistrate not to be what it is represented to be, solely by reason of the fact that there has been added to it some substance not injurious to health, no offence shall be deemed to have been committed by the owner of the article or the person in whose possession the same is found, if such owner or person proves to the satisfaction of the Magistrate—

(a) that such substance has been added to the article of food, because the same is required for the production or preparation thereof, as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or conceal the inferior quality thereof, or

(b) that in the process of production, preparation or conveyance of such article of food, the extraneous substance has unavoidably become intermixed therewith, or

(c) that, by a label distinctly and legibly written, or printed on or with the said article of food or by other means of public description, he has given sufficient notice that such substance has been so added, or

(d) that—

(i) the said article was purchased by him with a written warranty that it was of a certain nature, substance and quality,

(ii) he had no reason to believe that it was not of such nature, substance and quality as aforesaid, and

(iii) it was not exposed, hawked about, or brought for sale by him otherwise than as an article of the nature, substance and quality specified in the written warranty, and was in the same state in which he purchased it.]

¹ [417B. In every case in which food, on being dealt with under section 417, appears to the Magistrate to be diseased, unsound or unwholesome or unfit for human food, the owner thereof or the person in whose possession it was found, not being merely bailee or carrier thereof, shall, if in such case the provisions of section 273 of the ² Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees.]

Penalty for possessing food which appears to be diseased, unsound or unwholesome or unfit for human food.

¹ [417C. In all prosecutions under section 417A or 417B the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence against such section, unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.]

Application for summons to be refused if not applied for within reasonable time.

¹ Sections 417B and 417C were inserted by s. 6 (1) (b) of the Bombay Prevention of Adulteration Act, 1899 (Bom. Act 2 of 1899), Vol. IV of this Code.

² General Acts, Vol. I.

Weights and Measures.

• Provision
of local
standards
of weights
and
measures.

¹[418. (1) Subject to the approval of the corporation the Commissioner shall from time to time provide such local standards of weight and measure as he deems requisite for the purpose of verification of weights and measures in use in the several trades or classes of trades in the city, and shall make such arrangements as he shall think fit for the safe keeping and periodical verification of the said local standards, and shall also provide from time to time proper means of verifying weights and measures by comparison with the said local standards and of stamping the weights and measures so verified.

(2) Provided that when by or under any law for the time being in force any legal standard of weight or measure has been or shall be prescribed for the whole of British India or the City of Bombay the local standard of such weight or measure which the Commissioner shall provide for the purpose of this section shall be of such description and shall be authenticated in such manner as may be prescribed by or under such law.

(3) No local standard of weight or measure shall be finally approved by the corporation under sub-section (1) unless notice of the intention of the corporation to take the proposed standard into consideration has been given in the manner prescribed in section 465 for giving notice of proposed by-laws: the provisions of sections 465 and 466 shall apply in respect of proposed local standards as if the expression 'local standard' were substituted for the word 'by-law' and as if in section 466 the words 'specification' and 'specifications' respectively were substituted for the words 'copy' and 'copies.'

(4) When the Commissioner with the final approval of the corporation has provided local standards of the weights or measures in use in any specified trade or class of trades in the city, he shall give public notice thereof, fixing a date after which such standards shall be introduced in such trade or class of trades, and such notice shall be published in the Bombay Government Gazette and in two or more newspapers circulating in the city and in such other manner as he may think fit. And whenever, after the date of such notice, the Commissioner provides a new local standard or makes any modification in a local standard, he shall give public notice thereof which shall be published in the same manner as the notice aforesaid.]

Verifica-
tion and
stamping
of weights
and
measures.

¹[419. (1) The Commissioner shall from time to time fix the times and places at which some municipal officer appointed by him in this behalf shall attend for the purpose of the verification of weights and measures.

¹ Sections 418 to 420 were substituted by s. 2 of the City of Bombay Municipal (Amendment) Act, 1921 (Bom. Act 4 of 1921), Vol. V of this Code.

(2) The municipal officer so appointed shall attend with the local standards in his custody at each time and place fixed and shall examine every weight or measure which is of the same denomination as one of such standards and is brought to him for the purpose of verification or re-verification, and compare the same with that standard; and, if he find the same correct, shall stamp it with a stamp of verification or re-verification, as the case may be, in such manner as best to prevent fraud.

(3) The said municipal officer shall enter in a book kept by him minutes of every such verification and re-verification and give, if required, a certificate under his hand of every such stamping.

(4) There shall be payable to the corporation in respect of the verification, re-verification and stamping of weights and measures by a municipal officer as aforesaid such fees as the Commissioner, with the approval of the corporation, from time to time fixes in this behalf.]

¹ [420. (1) Where the Commissioner has given notice under sub-section (4) of section 413 of the provision of local standards of the weights or measures in use in any specified trade or class of trades in the city, every contract for goods which shall after the date mentioned in such notice be made in such trade or class of trades shall be deemed to be made according to one of such weights or measures, or some multiple or part thereof. Weights and measures standards are provided are to be adopted : penalties.

(2) After such date no person shall in any such trade or class of trades—

- (a) sell by any denomination of weight or measure other than one of the weights or measures in use in such trade or class of trades of which the Commissioner has provided local standards, or some multiple or part thereof;
- (b) use, or have in his possession for use, in any such trade or class of trades, any weight or measure which has not, within five years before the time at which it is used, been verified or re-verified and stamped in accordance with sub-section (2) of section 419;
- (c) use, in any such trade or class of trades, any weight or measure which has become defective in consequence of wear or accident, or has been mended, until the same has been re-verified under sub-section (2) of section 419;

¹ See footnote 1 on p. 226, *supra*.

- (d) in using a measure of capacity, heap the measure or strike the same by any appliance or means other than a round metal roller, straight and of the same diameter from end to end.

(3) No person shall—

- (a) forge or counterfeit any stamp used for the stamping under section 419 of any weight or measure, or wilfully increase or diminish a weight so stamped;

- (b) knowingly use, sell, utter, dispose of, or expose for sale any weight or measure with such forged or counterfeit stamp thereon or a weight so increased or diminished.

(4) Any person using or having in his possession for use any weight or measure in contravention of clause (b) of sub-section (2), and any person using, selling, uttering, disposing of or exposing for sale any weight or measure in contravention of clause (b) of sub-section (3), shall be liable, in addition to fine under section 471, to forfeit such weight or measure, and any contract made with such weight or measure shall be void.

(5) In this section—

- (a) the expression 'contract' includes any bargain, sale or dealing;

- (b) the expression 'goods' includes any wares, merchandise or other thing and any work, to be sold, delivered, carried, done or agreed for by weight or measure.]

Prevention of Spread of Dangerous Diseases.

Information to be given of existence of dangerous disease.

421. Every medical practitioner who treats or becomes cognizant of the existence of any dangerous disease in any private or public dwelling other than a public hospital, shall give information of the same with the least practicable delay to the executive health officer. The said information shall be communicated in such form and with such details as the executive health officer, with the consent of the Commissioner, may from time to time require.

Any place may at any time be inspected for purpose of preventing spread of dangerous disease.

422. The Commissioner may at any time, by day or by night, without notice, or after giving such notice of his intention as shall, in the circumstances appear to him to be reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he shall think fit to prevent the spread of the said disease beyond such place.

423. (1) If it shall appear to the Commissioner that the water in any well, tank or other place is likely, if used for drinking, to engender or cause the spread of any dangerous disease, he may, by public notice, prohibit the removal or use of the said water for the purpose of drinking.

Prohibition of use for drinking of water likely to cause dangerous disease.

(2) No person shall remove or use for the purpose of drinking any water in respect of which any such public notice has been issued.

424. (1) The Commissioner or any police officer empowered by him in this behalf may, on a certificate signed by the executive health officer or by any duly qualified medical practitioner, direct or cause the removal of any person who is, in the opinion of such executive health officer or other medical practitioner, without proper lodging or accommodation, or who is lodged in a building occupied by more than one family, and who is suffering from a dangerous disease, to any hospital or place at which patients suffering from the said disease are received for medical treatment.

Commissioner may order removal of patients to hospital.

(2) The person, if any, who has charge of a person in respect of whom an order is made under sub-section (1) shall obey such order.

425. (1) If the Commissioner is of opinion that the cleansing or disinfecting of a building, or of a part of a building, or of any article therein likely to retain infection, would tend to prevent or check the spread of any dangerous disease he may, by written notice, require the owner or occupier of such building to cleanse or disinfect such building or part thereof or article therein, and, if it shall appear to the Commissioner necessary, to vacate the said building for such time as shall be prescribed in the said notice :

Disinfection of buildings, etc.

(2) Provided that, if, in the opinion of the Commissioner, the owner or occupier is from poverty or other cause unable effectually to comply with such requisition, the Commissioner may cause the building or part of the building or article likely to retain infection to be cleansed or disinfected and defray the cost of so doing.

426. (1) If the Commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

Destruction of huts and sheds, when necessary.

(2) Compensation may be paid by the Commissioner, in any case which he thinks fit, to any person who sustains substantial loss by the destruction of any such hut or shed ; but, except as so allowed by the Commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.

Place for
disinfection
may be
provided ;

427. (1) The Commissioner may provide a place, with all necessary apparatus and attendance, for the disinfection of clothing, bedding or other articles which have become infected, and in his discretion may have articles brought to such place for disinfection, disinfected on payment of such fees as he shall from time to time fix, with the approval of the standing committee, in this behalf, or, in any case in which he thinks fit, free of charge.

Also for
washing
infected
articles.

(2) The Commissioner may, from time to time, by public notice, appoint a place at which clothing, bedding or other articles which have been exposed to infection from any dangerous disease may be washed ; and no person shall wash any such article at any place not so appointed without having previously disinfected the same.

Infected
articles
may be
destroyed.

(3) The Commissioner may direct the disinfection or destruction of bedding, clothing or other articles likely to retain infection.

(4) The Commissioner may, in his discretion, give compensation for any article destroyed under sub-section (3).

Person
suffering
from
dangerous
disease not
to enter a
public
conveyance
without
notifying
the same.

428. (1) No person who is suffering from a dangerous disease shall enter a public conveyance without previously notifying to the owner, driver or person in charge of such conveyance that he is so suffering.

(2) Notwithstanding anything contained in any Act relating to public conveyances for the time being in force, no owner or driver or person in charge of a public conveyance shall be bound to carry any person suffering as aforesaid in such conveyance unless payment or tender of sufficient compensation for the loss and expenses he must incur in disinfecting such conveyance is first of all made to him.

Provision of
carriages for
conveyance
of patients.

429. The Commissioner, with the sanction of the corporation, may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease ; and when such conveyances have been provided, it shall not be lawful to convey any such person by any other public conveyance.

Provisions as
to carriage of
persons
suffering
from
dangerous
disease in
public
conveyances.

430. (1) No person who is suffering from a dangerous disease shall—

(a) without proper precautions against spreading such disease, cause or suffer himself to be carried in a public conveyance ;

(b) cause or suffer himself to be carried in a public conveyance contrary to the provision of the last preceding section.

(2) No person shall go in company with, or take charge of, any person suffering as aforesaid, who causes or permits himself to be carried in a public conveyance in contravention of such-section (1).

(3) No owner or driver or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid, in contravention of the said sub-section.

431. The owner, driver or person in charge of a public conveyance in which any person suffering as aforesaid has been carried shall immediately provide for the disinfection of the same.

Public conveyance which has carried a person suffering from dangerous disease to be disinfected.

432. (1) No person shall, without previous disinfection of the same give, lend, sell, transmit or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease.

Infected articles not to be transmitted, etc., without previous disinfection.

(2) Nothing in this section shall be deemed to apply to a person who transmits, with proper precautions, any such article for the purpose of having the same disinfected.

433. (1) No person shall let a building or any part of a building, in which he knows or has reason to know that a person has been suffering from a dangerous disease, without first having such building or part thereof and every article therein likely to retain infection disinfected, to the satisfaction of the executive health officer or of some duly qualified medical practitioner, as testified by such officer's or medical practitioner's certificate.

Infected building not to be let without being first disinfected.

(2) For the purpose of this section, the keeper of a hotel or inn shall be deemed to let part of his building to any person accommodated in such hotel or inn.

Special Sanitary Measures.

434. (1) In the event of the city being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious disease breaking out or being likely to be introduced into the city amongst cattle—including under this expression sheep and goats,—the Commissioner, if he thinks the ordinary provisions of this Act or of any other law at the time in force are insufficient for the purpose, may, with the sanction of Government,—

Commissioner may take special measures on outbreak of any dangerous disease.

(a) take such special measures, and

(b) by public notice prescribe such temporary regulations to be observed by the public or by any person or class of persons,

as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(2) The Commissioner shall forthwith report to the corporation any measures taken and any regulations prescribed by him under sub-section (1).

Disposal of the Dead.

Places for disposal of the dead to be registered

435. Every owner or person having the control of a place used burying, burning or otherwise disposing of the dead shall cause the same to be registered in a register which shall be kept by some municipal officer charged by the Commissioner with this duty, and shall deposit in the municipal office at the time of registration a plan of the said place, showing the extent and boundaries thereof, bearing the signature of a licensed surveyor in token of its having been prepared by or under the supervision of such surveyor.

Provision of new places for disposal of the dead.

436. If the existing places for the disposal of the dead shall at any time appear to be insufficient, or if any such place is closed under the provisions of section 438, the Commissioner shall, with the sanction of the corporation, provide other fit and convenient places for the said purpose, either within or without the city, and shall cause the same to be registered in the register kept under section 435, and shall deposit in the municipal office, at the time of registration of each place so provided, a plan thereof showing the extent and boundaries of the same and bearing the signature of the municipal executive engineer.

New places for disposal of the dead not to be opened without permission of Commissioner.

437. No place, which has never previously been lawfully used as a place for the disposal of the dead and registered as such, shall be opened by any person for the said purpose without the written permission of the Commissioner, who, with the approval of the corporation, may grant or withhold such permission.

Governor in Council may direct the closing of any place for the disposal of the dead.

438. (1) If, from information furnished by competent persons and after personal inspection, the Commissioner shall at any time be of opinion—

(a) that any place of public worship is or is likely to become injurious to health by reason of the state of the vaults or graves within the walls of or underneath the same, or in any churchyard or burial-ground adjacent thereto, or

(b) that any other place used for the disposal of the dead is in such a state as to be or to be likely to become injurious to health,

he may submit his said opinion, with the reasons therefor, to the corporation, who shall forward the same, with their opinion, for the consideration of the Governor in Council.

(2) Upon receipt of such opinions, the Governor in Council, after such further inquiry, if any, as he shall deem fit to cause to be made, may, by notification published in the Bombay Government Gazette and in the local

newspapers, direct that such place of public worship or other place for the disposal of the dead be no longer used for the disposal of the dead. Every order so made shall be noted in the register kept under section 435.

(3) On the expiration of two months from the date of any such order of the Governor in Council, the place to which the same relates shall be closed for the disposal of the dead.

(4) A copy of the said notification, with a translation thereof, in the Marathi, Gujarati and Urdu languages, shall be affixed on a conspicuous spot on or near the place to which the same relates, unless such place be a place of public worship.

439. (1) If, after personal inspection, the Commissioner shall at any time be of opinion that any place formerly used for the disposal of the dead, which has been closed under the provisions of the last preceding section or under any other law or authority, has by lapse of time become no longer injurious to health, and may without risk of danger be again used for said purpose, he may submit his said opinion, with the reasons therefor, to the corporation, who shall forward the same, with their opinion, for the consideration of the Governor in Council.

(2) Upon receipt of such opinions, the Governor in Council after such further inquiry, if any, as he shall deem fit to cause to be made, may by notification published as aforesaid direct that such place be re-opened for the disposal of the dead. Every order so made shall be noted in the register kept under section 435.

440. (1) No person shall, without the written permission of the Commissioner under sub-section (2),—

- (a) make any vault or grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah of any place of worship;
- (b) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 438;
- (c) build, dig, or cause to be built or dug, any grave or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse at any place which is not registered in the register kept under section 435;
- (d) exhume any body except under the provisions of section 176 of the Code of Criminal Procedure, 1882, or of any other law for the time being in force, from any place for the disposal of the dead.

Burials within places of worship and exhumations not to be made without the permission of the Commissioner.

(2) The Commissioner may in special cases grant permission for any of the purposes aforesaid, subject to such general or special orders as the Governor in Council may from time to time make in this behalf.

(3) An offence against this section shall be deemed to be a cognizable offence within the meaning of sections 149, 150 and 151 of the 'Code of X of 1882. Criminal Procedure, 1882.

Acts prohibited in connection with the disposal of the dead.

441. No person shall—

- (a) retain a corpse on any premises, without burning, burying or otherwise lawfully disposing of the same, for so long a time after death as to create a nuisance ;
- (b) carry a corpse or part of a corpse along any street without having and keeping the same decently covered or without taking such precautions to prevent risk of infection or injury to the public health as the Commissioner may, by public notice, from time to time, think fit to require ;
- (c) except when no other route is available, carry a corpse or part of a corpse along any street along which the carrying of corpses is prohibited by a public notice issued by the Commissioner in this behalf ;
- (d) remove a corpse or part of a corpse, which has been kept or used for purposes of dissection, otherwise than in a closed receptacle or vehicle ;
- (e) whilst conveying a corpse or part of a corpse, place or leave the same on or near any street without urgent necessity ;
- (f) bury or cause to be buried any corpse or part of a corpse in a grave, or vault or otherwise, in such manner as that the surface of the coffin, or, when no coffin is used, of the corpse or part of a corpse, shall be at a less depth than six feet from the surface of the ground ;
- (g) build or dig, or cause to be built or dug, any grave or vault in any burial-ground at a less distance than two feet from the margin of any other grave or vault ;
- (h) build or dig, or cause to be built or dug, a grave or vault in any burial ground in any line not marked out for this purpose by or under the order of the Commissioner ;
- (j) without the written permission of the Commissioner, re-open for the interment of a corpse or of any part of a corpse, a grave or vault already occupied ;

- (k) after bringing or causing to be brought to a burning-ground any corpse, or part of a corpse, fail to burn or cause the same to be burnt within six hours from the time of the arrival thereof at such ground;
- (l) when burning or causing to be burnt any corpse, or part of a corpse, permit the same or any portion thereof to remain without being completely reduced to ashes, or permit any cloth or other article used for the conveyance or burning of such corpse or part of a corpse to be removed or to remain on or near the place of burning without its being completely reduced to ashes.

CHAPTER XVI.

VITAL STATISTICS.

Registration of Births and Deaths.

442. For the purpose of registering births and deaths, the Commissioner shall divide the city into such and so many districts and sub-districts as he shall from time to time think fit; and a municipal officer shall be registrar of births and deaths of each such district.

443. (1) Every registrar shall reside within the district of which he is registrar and shall cause his name, together with the words "Registrar of Births and Deaths for the district of _____", to be affixed in some conspicuous place at or near the outer door of his place of abode.

(2) A list showing the name and place of abode of every registrar in the city shall be kept at the municipal office and shall be open at all reasonable times to public inspection free of charge.

444. The Commissioner shall provide and supply to the registrars a sufficient number of register-books of births and of register-books of deaths for the registration of the particulars specified in Schedules N and O, respectively; and the pages of each of the said books shall be numbered progressively from the beginning to the end thereof.

445. (1) Each registrar shall inform himself carefully of every birth and death which shall happen in his district and of the particulars concerning the same required to be registered, according to the forms in the said schedules, and shall, as soon after each such birth or death as conveniently may be, register

Appointment
of registrars.

Registrars to
reside in their
respective
districts.

Register-
books to be
supplied.

Registrars to
inform
themselves
of all births
and deaths.